

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Robert M. Charles, Jr. NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com
Marvin Ruth NV State Bar No. 10979
Email: mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE CASTAIC PARTNERS II LOAN**

**Date of Hearing: September 30, 2011
Time of Hearing: 9:30 a.m.
Estimated Time for hearing: 10 min.**

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM TO THE EXTENT YOUR CLAIM IS BASED UPON AN INVESTMENT
IN THE CASTAIC PARTNERS II LOAN. THE USACM TRUST CONTENDS
THAT YOU DO NOT HAVE A COMPLETELY VALID CLAIM BASED UPON
YOUR INVESTMENT IN THIS LOAN BECAUSE YOU TOOK A KNOWN AND
OBVIOUS RISK IN MAKING THAT INVESTMENT AND USACM DID NOT
GUARANTEE REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT
IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN
INVESTMENT IN A DIFFERENT LOAN.**

1 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
2 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
3 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
4 SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP
5 CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN
6 HINDERAKER (520-629-4430).

7 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and
8 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon
9 Investment in the Castaic Partners II Loan (with Certificate of Service) (the “Objection”).
10 Your Proof of Claim number and other information regarding your claim is provided in
11 **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has requested that
12 this Court enter an order, pursuant to section 502 of title 11 of the United States Code (the
13 “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the
14 “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is based upon an
15 investment in the Castaic Partners II Loan. The Objection will not impact your Claim to
16 the extent it is based upon an investment in a different loan.

17 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held
18 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
19 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
20 **September 30, 2011, at the hour of 9:30 a.m.**

21 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON
22 SEPTEMBER 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS
23 CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO
24 ARGUMENTS WILL BE HEARD ON THAT DATE.

25 NOTICE IS FURTHER GIVEN that pursuant to Local Rule 9014(d), any
26 response to the objection must be filed and service must be completed no later than

fourteen (14) days preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: August 6, 2011

LEWIS AND ROCA LLP

By s/John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

Marvin Ruth, NV 10979

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

E-mail: JHinderaker@lrlaw.com

Attorneys for the USACM Liquidating Trust

Copy of the foregoing and pertinent portion of Exhibits mailed by first class postage prepaid U.S. Mail on August 6, 2011 to all parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

s/ Renee L. Creswell
Renee L. Creswell